

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIO VINALES, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

KEMPS LLC,

Defendant.  
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**ECF Case**

Case No: 19 CV 10463 (RA)

**CASE MANAGEMENT PLAN  
AND SCHEDULING ORDER**

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby  
adopts the following Case Management Plan and Scheduling Order:

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trials. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. The parties have not engaged in settlement discussions, but have discussed that possibility and the potential for a preliminary and informal exchange of information that may facilitate such discussions.
3. This case is to be tried to a jury.
4. No additional parties may be joined after December 16, 2021 without leave of the Court or consent of other parties.
5. No amendments to the pleadings may be made after January 8, 2021 without leave of the Court or opposing parties.
6. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than May 15, 2020 [*Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).*]
7. All fact discovery shall be completed no later than September 30, 2020 [a period not to exceed 120 days unless the case present unique complexities or other exceptional circumstances.]

8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
  - a. Initial requests for production of documents shall be served by May 29, 2020.
  - b. Interrogatories shall be served by May 29, 2020.
  - c. Depositions shall be completed by September 30, 2020.
  - d. Requests to Admit shall be served no later than July 31, 2020.
9. All expert discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed by January 29, 2021. [The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]
10. All discovery shall be completed no later than January 29, 2021.
11. The Court will conduct a post-discovery conference on \_\_\_\_\_ at \_\_\_\_\_. [***To be completed by the Court.***] No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.
12. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
13. Counsel for the parties propose the following alternative dispute resolution mechanism for this case:
  - a. \_\_\_\_\_ Referral to a Magistrate Judge for settlement discussions.
  - b. \_\_\_\_\_ Referral to the Southern District's Mediation Program. [*Note that all employment discrimination cases, except cases brought under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., are designated for automatic referral to the Court's Alternative Dispute Resolution program of mediation. Accordingly, counsel in such cases should select 13(b).*]
  - c.   X   Retention of a private mediator.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

14. The parties have conferred and their present best estimate of the length of trial is two weeks, or ten trial days.

SO ORDERED.

Dated:

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New York, New York

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Ronnie Abrams  
United States District Judge